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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,844	09/08/1999	WILLIAM J. INFOSINO	113589	9186

7590 07/08/2002

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EXAMINER

TAYLOR, LARRY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/391,844	INFOSINO, WILLIAM J.
	<b>Examiner</b>	<b>Art Unit</b>
	Larry D Taylor	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 January 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10,13-31 and 36-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10,13-31 and 36-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Receipt of Amendment***

1. Receipt is acknowledged of the amendment filed 31 January 2002.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10, 13-17, 19-31, and 44-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramachandran (US 6,315,195 B1).

Ramachandran teaches a method and device for receiving account data from a plurality of cards belonging to a user and writing the received data to a universal card. Device 14 can receive account data from one or more cards by the steps of: inserting various financial account cards into slot 32, reading the magnetic stripe of cards by magnetic head 44 and writing the data

from the cards to a magnetic and/or IC region of universal card 12 by writing means 44, 46, 48 (figures 1, 4-5, 15-24 and col. 13, line 26 – col. 14, line 65). The data received from the cards is shown on display 22. The data can be handled by buttons 24,26,28,30 and the control of processor 36 and memory 38. The storing of data from the various financial cards to the device may be also done remotely by way of modem 52 to a network 54 and remote location 56. The network contacted may be within the Internet (col. 9, lines 9-25 and col. 21, line 65 – col. 22, line 10). The user of the device may also have to pass a security test prior to card transactions, such as using a biometric fingerprint reader 47 or inputting a PIN password for access. Ramachandran teaches that the device may be integrated into a cellular phone or PDA (figure 3 and col. 9, lines 36-42). It is taught that the device is small enough to be of wallet-type size for maximized portability.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran in view of Maes et al. (US 6,0146,476, of record).

The teachings of Ramachandran have been discussed above. Specifically, the art teaches the use of the device within a personal digital assistant (PDA).

PDAs are well known to allow the insertion of cards for communication and are well known to have touch sensitive displays. Maes teaches a touch sensitive PDA 10 that allows the insertion of a universal card 26 for the transmission of data. The device allows the user to touch the screen for inputting and selecting characters and items. The user can easily access personal data when needed, affording user convenience at performing needed transactions. It would be handy for the user to actually select or "touch" options on the screen that they desire, without the hassle of having to toggle endlessly through a plurality of options for selection. Therefore, employing the device within a PDA containing a touch-sensitive screen would have been obvious to one of ordinary skill in the art.

6. Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran, in view of Smith (US 6,012,636, of record).

The teachings of Ramachandran have been discussed above. However, the art fails to teach the universal card itself as having the processor, memories for storing the data pertaining the other cards, the reading/writing means, and fingerprint reader.

Smith teaches a device 22 similar to the device of Ramachandran, the device used for receiving account data from a plurality of cards belonging to a user and writing the received data to a universal card. The invention is pertaining to such cards as ATM or credit cards, which hold financial account data. In practice, data is read from cards 10 and loaded into the memory of device 22, the card having magnetic stripes (see figures 2 and 3, and col. 10, line 33+). At another time, the user is provided with an option of determining which pre-loaded card data is stored within the device and selecting and writing chosen data to universal card (col. 11, lines 34-49). Prior to writing the data to the universal card, a fingerprint reader 30 is provided for

securely testing the identification of the user (figure 4 and col. 8, lines 35-37). The device 22 contains a controlling processor, storage, input slot, button keypad, and magnetic card reading and writing heads.

More specifically, the device is sized small enough to fit in a pocket or purse (col. 8, lines 8-10). Figures 4A and 4B disclose the previously mentioned device and card physically integrated as one entity, in the form of a card of regulation ISO 7810 standards. This “card” would have the same features and capabilities as the device/card combination of the earlier embodiments, while maintaining dimensions of a regulation credit or ID card (col. 17, line 1–44).

Functional cards containing processing, memory, and selectable keypad means are notoriously well known in the art. This embodiment of Smith shows that it would have obvious to one of ordinary skill in the art to provide a card with the above noted features. As evidenced in the teachings of Smith, integrating the whole features in the card alleviates the need of tedious insertion of the account cards, and then the universal card. Having just the card cuts down on the number of working parts in the system and prevents the user from having one of the components, say the card, but accidentally leaving behind the other, the device.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran and Smith, in view of Maes et al.

The teachings of Ramachandran as modified by Smith have been discussed above. Specifically, Ramachandran teaches the use of the device within a personal digital assistant (PDA).

PDAs are well known to allow the insertion of cards for communication and are well known to have touch sensitive displays. Maes teaches a touch sensitive PDA 10 that allows the insertion of a universal card 26 for the transmission of data. The device allows the user to touch the screen for inputting and selecting characters and items. The user can easily access personal data when needed, affording user convenience at performing needed transactions. It would be handy for the user to actually select or “touch” options on the screen that they desire, without the hassle of having to toggle endlessly through a plurality of options for selection. Therefore, employing the device within a PDA containing a touch-sensitive screen would have been obvious to one of ordinary skill in the art.

*Response to Arguments*

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
9. Re applicant's arguments on page 8, first paragraph, the Examiner submits that the art of Ramachandran as applied with Smith provides grounds of rejection upon the above respective claims.
10. Re applicant's arguments on page 9, first paragraph, the Examiner contends, as stated, above the device and card combination of Figure 4 of Smith provide a card that functions as holding data of first and second account cards, in addition to other dependent claim limitations (see above rejection pointing to Smith, col.17, lines 1-44). Thus the limitations of claims 36-42 are met.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Daggar (US 5,748,737), Wallerstein (US 5,585,787), Stock et al. (US 6,011,858), Lewis (US 6,213,391 B1), and Bradley et al. (US 6,024,286).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-4784 for regular communications and (703) 308-7722 for After Final communications.

Art Unit: 2876

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor  
June 28, 2002



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800